

law. if the provision of State law imposes requirements. standards. or implementation specifications that are more stringent than the requirements. standards. or implementation specifications imposed under the regulation.

(d) CONSULTATION.—In carrying out this section. the Secretary of Health and Human Services shall consult with the National Committee on Vital and Health

(1) Statistics established under section 306(k) of the Public Health Service Act (42 U.S.C. 242k(k)) and
(2) the Attorney General.

Subtitle G—Duplication and Coordination of Medicare-Related Plans

SEC. 271. DUPLICATION AND COORDINATION OF MEDICARE-RELATED PLANS.

(a) TREATMENT OF CERTAIN HEALTH INSURANCE POLICIES.—~~NONDUPLICATIVE.~~ Section 1882(d)(3)(A) (42 U.S.C. 1395ss(d)(3)(A)) is amended—

(1) in clause (iii), by striking "clause (i)" and inserting "clause (i)(II)"; and

(2) by adding at the end the following:

"(iv) For purposes of this subparagraph, a health insurance policy (other than a Medicare supplemental policy) providing for benefits which are payable to or on behalf of an individual without regard to other health benefit coverage of such individual is not considered to duplicate any health benefits under this title. under title XIX. or under a health insurance policy. and subclauses (I)

and (III) of clause (i) do not apply to such a policy.

"(v) For purposes of this subparagraph, a health insurance policy (or a rider to an insurance contract which is not a health insurance policy) is not considered to duplicate health benefits under this title or under another health insurance policy if it—

I "(I) provides health care benefits only for long-term care. nursing home care, home health care, or community-based care, or any combination thereof.

"(II) coordinates against or excludes items and services available or paid for under this title or under another health insurance policy. and

"(III) for policies sold or issued on or after the end of the 90-day period beginning on the date of enactment of the Health Insurance Portability and Accountability Act of 1996 discloses such coordination or exclusion in the policy's outline of coverage.

For purposes of this clause, the terms "coordinates"

and coordination
mean with respect to a policy in relation to health
benefits under
this title or under another health insurance policy.
that the policy
under its terms is secondary to, or excludes from
payment items
and services to the extent available or paid for
under this title
or under another health insurance policy.
(vi)(I) An individual entitled to benefits under
part A or
enrolled under part B of this title who is applying for
a health
insurance policy (other than a policy described in
subclause (III))
shall be furnished a disclosure statement described
in clause (vii)
for the type of policy being applied for. Such
statement shall be